

REMARKS/ARGUMENTS

Reconsideration of the above-identified application respectfully requested. The amendments to claims 3 and 6-8 correct inadvertent typographical errors noted by the Examiner. The antecedent basis issues in claims 3 and 4 have been corrected also. Finally, claims 5-12 have been cancelled in order to materially advance prosecution.

No new matter is added by virtue of these claim amendments. Moreover, such claim amendments are ministerial in nature as they relate to inadvertent errors. Accordingly, Applicants assert that no claims have been narrowed with the meaning of *Festo* (*Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 US 722, 112 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002)). See also *Interactive Pictures Corp. v. Infinite Pictures Inc.*, 274 F.3d 1371, 61 USPQ 1152 (Fed. Cir. 2001) (addition of the words “transform calculation” was not a narrowing amendment because that addition did nothing more than make express what had been implicit in the claim as originally worded).

Claims 1-4 stand rejected under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Tel (U.S. Patent No. 6,565,002) in view of Butland (U.S. Patent No. 6,030,657). Applicant respectfully traverses the rejections of the claims and grounds therefor.

In framing the rejection, the Examiner summarizes the art as teaching it obvious to “combine common identification techniques.” What the Examiner overlooks is that Applicant is doing much more than just using two or more identification techniques. Indeed, as stated in claim 1, Applicant either creates the algorithmic mark using Raman spectral material, a biologic taggant, an optical taggant, or a spectral quantum dot (QD); or Applicant overcoats the algorithmic mark using Raman spectral material, a biologic taggant, an optical taggant, or a spectral quantum dot (QD).

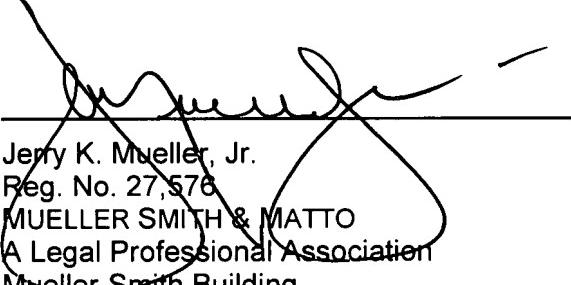
In the first case, lines of the algorithmic mark are themselves a taggant. That is, a multi-modal mark has been created—not merely the use of two independent and separate marks. In the second case, the algorithmic mark is simultaneously protected by the overcoating, as well as associated with another taggant system. Neither of these alternatives is even remotely suggested in the art. That is, Applicant is not merely providing two or more markings with an object, but making a dual mark on the object. Such is non-obvious.

Appln. No. 10/805,010
Amendment dated November 7, 2007
Reply to Office Action of November 1, 2007

In view of the amendments and remarks submitted herewith, allowance of the claims and passage to issue of this application respectfully is requested.

Date: 77 November 2007

Respectfully submitted,


Jerry K. Mueller, Jr.
Reg. No. 27,576
MUELLER SMITH & MATTO
A Legal Professional Association
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: smueller@muellersmith.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on November 8, 2007, with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Jane Keeney